

REMARKS/ARGUMENTS

Reconsideration of this application in light of the above amendments and following comments is courteously solicited.

Applicant respectfully requests the Examiner to reconsider his rejection for the reasons set forth hereinbelow.

Dependent claim 63 has been incorporated into independent claim 36. As previously set forth in Applicants' amendment filed April 24, 2008, claim 36 clearly sets forth that the oil phase consists of a mixture of vegetable-based raw materials. Thus, the oil phase is made solely of vegetable-based raw materials. No other constituents are present in the oil phase. Each and every one of the applied prior art references has an oil phase which include additional compounds other than vegetable-based raw materials. For the Examiner's convenience, the undersigned again lists hereinbelow the additional constituents in the oil phase of the prior art references which constitute an ingredient other than vegetable or vegetable-based raw materials.

- (1) Koulbanis (U.S. 4,437,895) Lanolin and Triethanolamin are derived from synthetic sources.
- (2) Johnson (Lipstick) Page 2: "The oils and fats used in lipstick include ... mineral oil, ... lanolin ...". These ingredients are not vegetable based.
- (3) Bonda (U.S. 6,355,261) contains lanolin-derivatives.
- (4) Purohit (U.S. 4,966,754) Allontoin is derived from a synthetic source.
- (5) Calello (U.S. 6,086,859) Cyclomethicone, strait or branched chain paraffinic hydrocarbons having 5 to 20 carbon atoms are derived from synthetic sources.
- (6) Marchi-Lemann (U.S. 6,004,567) cyclopentasiloxane is derived from a synthetic source.

- (7) Cohen (U.S. 5,560,917) contains cyclomethicone.
- (8) Lebok (U.S. 6,277,182): C₃₀-C₄₀-Alkyl methicone is derived from a synthetic source.
- (9) Mattin (GB 1,134,170): 2, 3-di-t-butyl hydroquinone is derived from a synthetic source.
- (10) Holderbaum (US 6,007,838) is using benzophenone as starting material which is derived from a synthetic source.

Thus, none of the prior art references applied by the Examiner teach a composition as claimed in independent claim 36 wherein the composition comprises an oil phase and a solid phase wherein the oil phase consists of a mixture of vegetable-based raw materials. Accordingly, it is respectfully submitted that claim 36 and the claims that depend therefrom patentably define over the art of record.

Applicants submit that the instant amendment should be entered by the Examiner even though the amendment is made after final rejection. The amendment merely incorporates into independent claim 36 the subject matter of canceled dependent claim 63. Thus, claim 36 as amended does not add any new matter which would require further search and/or consideration. Thus, the instant amendment should be entered as it (1) does not require further search or consideration, (2) reduces the issues for appeal, and (3) reduces the number of claims on appeal.

In light of the foregoing, Applicants respectfully submit the early issuance of a notice of allowance.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the

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Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

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